## REMARKS

This Amendment and Response to Final Office Action is being submitted in response to the final Office Action mailed November 27, 2007. Claims 1-10 and 15-24 are pending in the Application.

Claims 1-10, 17, and 19-24 are rejected under 35 U.S.C. §103(a) as being unpatentable over Chen *et al.* (U.S. Patent Appl. Publ. No. 20040235453) in view of Patel *et al.* (U.S. Patent No. 6,865,185) and further in view of Burton *et al.*(U.S. Patent Appl. Publ. No. 20040171347).

Claims 16 and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Chen *et al.* in view of Patel *et al.* and further in view of Burton *et al.* and Rajkumar *et al.*(U.S. Patent Appl. Publ. No. 20040264454).

Claim 15 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claim.

In response to these rejections, Claims 1 and 23-24 have been amended to further clarify the subject matter which Applicant regards as the invention, without prejudice or disclaimer to continued examination on the merits. These amendments are fully supported in the Specification, Drawings, and Claims of the Application and no new matter has been added. Based upon the amendments and the arguments presented herein, reconsideration of the Application is respectfully requested.

## Claims 1-10, 17, and 19-24 - §103(a) Rejection

Claims 1-10, 17, and 19-24 are rejected under 35 U.S.C. §103(a) as being unpatentable over Chen *et al.* (U.S. Patent Appl. Publ. No. 20040235453) in view of Patel *et al.* (U.S. Patent No. 6,865,185) and further in view of Burton *et al.*(U.S. Patent Appl. Publ. No. 20040171347).

With respect to this rejections, Applicants respectfully disagree with Examiner's Response to Arguments in the Final Office Action that Applicants did not include the limitations of Claims 11, 12, and 14 in the independent Claims 1, 23, and 24.[1] Specifically, Claim 11 included a repeating step, Claim 12 included a selecting step, and Claim 14 included a limitation wherein the selecting step is based upon a deterministic selection. Applicants previously amended Claim 1 to include the repeating step and a "deterministically" selecting step. In any event, Applicants have now amended Claim 1 to recite the limitations exactly as written of the previously allowed Claim 14.

Specifically, Claim 1 has been amended to recite:

1. A method of monitoring a wireless network, the method comprising the steps of:
     (a) receiving a data unit from a wireless node;
     (b) if a bandwidth constraint is satisfied, buffering the received data unit;
     (c) transmitting the received or buffered data unit to a monitoring processor;
     (d) repeating steps (a) through (c) for a plurality of wireless nodes;
     (e) ~~deterministically~~ selecting the wireless node from the plurality of wireless nodes for a given repetition;
     *wherein the selecting step is based upon a deterministic selection*.

Applicants respectfully note that Claim 1 includes all steps and limitations of previously canceled Claims 11, 12, and 14. Claim 14 was a dependent claim which included allowable subject matter, but was objected to as being dependent upon rejected base claims.[2]

Claims 2-10, 17, and 19-22 depend ultimately from Claim 1, and therefore these amendments and remarks apply with equal force here.

With regard to Claim 23, Applicants also respectfully submit that Claim 23 was amended to include all allowable limitations of previously canceled Claims 11, 12, and 14.

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[1] Final OA, page 11
[2] Non-Final OA, page 11

Specifically, Claim 23 includes a step for repeating for a plurality of received data units, wherein the wireless node of the plurality of wireless nodes is deterministically selected for a given repetition. Additionally, Applicants have included the allowable limitations of Claim 15 as well in Claim 23 which further clarifies the type of deterministic selection.

Specifically, Claim 23 has been amended to recite:

23. A system of monitoring a wireless network, the system comprising:
    (a) a system data store (SDS) comprising capable of storing wireless data transmitted by a plurality of wireless nodes and configuration information at least comprising a bandwidth constraints;
    (b) a wireless receiver capable of receiving one or more data units from the plurality of wireless nodes;
    (c) a communication interface allowing communication with a monitoring processor; and
    (d) a system processor in communication with the SDS, the wireless receiver and the communication interface, wherein the system processor comprises one or more processing elements configured to:
    (i) receive a data unit from the wireless receiver in response to receipt of the data unit by the wireless receiver from a wireless node of the plurality of wireless nodes;
    (ii) buffer the received data unit in the SDS if a bandwidth constraint is satisfied;
    (iii) immediately transmit the received data unit to the monitoring processor_via the communication interface if the bandwidth constraint is not satisfied;
    (iv) repeat steps (i) through (iii) for a plurality of received data units, wherein the wireless node of the plurality of wireless nodes is deterministically selected for a given repetition, *and wherein deterministically selected comprises a sequential traversal of the plurality of wireless nodes, a selection based upon amount of buffered data for each wireless node in the plurality of wireless nodes, a selection based upon a threat level for each wireless node in the plurality of wireless nodes or combinations thereof*;
    (v) discard the received data unit if the bandwidth constraint is satisfied, if a local storage constraint has been satisfied and if the received data unit is redundant with a previously buffered data unit, comprises network control data, is associated with a device that has already been observed more frequently than other devices or originates from a low threat wireless node;
    (vi) aggregate the received data unit with a previously buffered data unit if the bandwidth constraint is satisfied and if the received data unit is compatible with the previously buffered data unit; and

(vii) transmit a selected buffered data unit to the to the monitoring processor_via the communication interface at a point in time after receipt based upon the bandwidth constraint and bandwidth usage.

With regard to Claim 24, Applicants had also included all of the allowable limitations in Claims 11, 12, and 14. Specifically, Claim 24 includes a limitation of deterministically accepting for buffering a received data unit. Additionally, Applicants have added the allowable limitations of Claim 15 to clarify deterministically accepting.

Specifically, Claim 24 has been amended to recite:

24. A system of monitoring a wireless network, the system comprising:
     (a) receiving means for receiving a *plurality of* data units from *one or more* wireless nodes;
     (b) buffer means for deterministically accepting for buffering a received data unit *of the plurality of data units* from the receiving means if a bandwidth constraint is satisfied, aggregating the deterministically accepted data unit with a previously buffered data unit if the deterministically accepted data unit is compatible with the previously buffered data unit, discarding the deterministically accepted data unit if a storage constraint is satisfied and if the deterministically accepted data unit is redundant with a previously buffered data unit, comprises network control data, is associated with a device that has already been observed more frequently than other devices or originates from a low threat wireless node; and
     (c) output means for immediately transmitting a received data unit to a monitoring processor if the bandwidth constraint is not satisfied and for transmitting a buffered data unit to the monitoring processor at a point in time after receipt based upon the bandwidth constraint and bandwidth usage*;*
     *wherein deterministically accepting comprises a sequential traversal of the one or more wireless nodes, a selection based upon amount of buffered data for each wireless node in the one or more wireless nodes, a selection based upon a threat level for each wireless node in the one or more wireless nodes or combinations thereof.*

Accordingly, Applicants respectfully submit the rejection of Claims 1-10, 17, and 19-24 under 35 U.S.C. §103(a) as being unpatentable over Chen *et al.* in view of Patel *et*

*al.* and further in view of Burton *et al.* has been traversed, and Applicants respectfully request withdrawal of the rejection.

## Claims 16 and 18 - §103(a) Rejection

Claims 16 and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Chen *et al.* in view of Patel *et al.* and further in view of Burton *et al.* and Rajkumar *et al.*(U.S. Patent Appl. Publ. No. 20040264454). Claims 16 and 18 depend ultimately from Claim 1, and therefore these amendments and remarks apply with equal force here. Accordingly, Applicants respectfully submit the rejection of Claims 16 and 18 under 35 U.S.C. §103(a) as being unpatentable over Chen *et al.* in view of Patel *et al.* and further in view of Burton *et al.* and Rajkumar *et al.*has been traversed, and Applicants respectfully request withdrawal of the rejection.

## CONCLUSION

Applicants would like to thank Examiner for the attention and consideration accorded the present Application. Should Examiner determine that any further action is necessary to place the Application in condition for allowance, Examiner is encouraged to contact undersigned Counsel at the telephone number, facsimile number, address, or email address provided below. It is not believed that any fees for additional claims, extensions of time, or the like are required beyond those that may otherwise be indicated in the documents accompanying this paper. However, if such additional fees are required, Examiner is encouraged to notify undersigned Counsel at Examiner's earliest convenience.

Respectfully submitted,

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